

Application No. 10/559,097
Paper Dated 30 December 2010
In Reply to Office Action--n/a
Attorney Docket No. 4559-053584

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/559,097
Applicants : SANZ MOLINERO, Ana Isabel et al.
Filed : September 19, 2006
Title : Transgenic Monocotyledonous Plants Overexpressing a NHX Protein and Having Improved Growth Characteristics and Methods for Making the Same
Art Unit : 1638
Examiner : Vinod Kumar
Confirmation No. : 1132
Customer No. : 76809

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Sir:

Examiner Vinod Kumar and I (the undersigned Barbara E. Johnson) conducted a telephone interview on December 21, 2010 regarding the above-identified patent application. I explained during the interview that although Applicant is confident the technology will work equally well in plants other than rice, Applicant is willing to accept the proposed allowable claims 62-63 now only as long as any and all claim amendments are understood to have been made without prejudice, and that Applicant will likely file a divisional or continuing application directed to plants other than rice in due course.

After a subsequent telephone interview and discussion of the “without prejudice” stipulated language requested, Examiner Kumar asked me instead to make an Interview

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Summary of record, rather than to ask him to explain Applicant's "without prejudice" stipulation to acceptance of the allowable claims reflected in the anticipated Examiner's Amendment. This letter provides the requested Interview Summary and clarifies Applicant's agreement to cancellation of claim scope only as it is realized without prejudice as described above.

The Examiner and the undersigned also discussed how the proposed new claims define over the prior art, that is, that proposed new claims 62-63 meet all the requirements of patentability including without limitation that the prior art does not teach the achievement of the increase in harvest index of (at least) 19%.

Respectfully submitted,

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